## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

NO. 5:08-HC-2028-FL

JAMES DALTON BELL,	)	
Petitioner,	)	
v.	)	ORDER
UNITED STATES OF AMERICA,	)	
Respondent.	)	

This matter is before the court on the motion for a new judge (DE # 7) filed by petitioner James Dalton Bell (hereinafter "petitioner"). The matter is ripe for adjudication.

On March 4, 2008, petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. On May 30, 2008, the court conducted a preliminary review under 28 U.S.C. § 2243, and dismissed petitioner's § 2241 petition without prejudice. On June 9, 2008, petitioner filed a document, which this court construed as a motion for reconsideration. The court denied petitioner's motion for reconsideration on July 22, 2008.

Petitioner now is before the court stating that his June 9, 2008 filing was not a motion for reconsideration, but was his attempt to file a new petition for writ of habeas corpus pursuant to § 2241. The court, however, was unaware of petitioner's intention because he failed to file his habeas petition on the appropriate form. Petitioner also failed to pay the five dollar (\$5.00) filing fee or file an application to proceed without prepayment of the filing fee. The Clerk of Court is DIRECTED to send petitioner a copy of the appropriate form and a copy of the application to proceed without

prepayment of the filing fee. In order to file a new habeas action, petitioner must complete the form in its entirety, and file it (the original) and two copies with the Clerk.

SO ORDERED, this the 24th day of September, 2008.

/s/ Louise W. Flanagan LOUISE W. FLANAGAN Chief United States District Judge